

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LARRY MILLER,)
Plaintiff)
)
vs.) Civil Action No. 08-817
) Judge Nora Barry Fischer/
WESTMORELAND COUNTY DISTRICT) Magistrate Judge Amy Reynolds Hay
ATTORNEY'S OFFICE; HON JUDGE)
RICHARD McCORMICK; HON. JUDGE)
JOHN E. BLAHOVEC,)
Defendants)

ORDER

AND NOW, this 14th day of August, 2008, after the Plaintiff, Larry Miller, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the plaintiff until August 1, 2008 to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the complaint is dismissed before service, pursuant to the authority granted courts by the Prison Litigation Reform Act (PLRA), for failure to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

s/Nora Barry Fischer
NORA BARRY FISCHER
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Larry Miller
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